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EXAMINER

KAFANTARIS, THEOLOGOS G

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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10/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/519,310	Applicant(s) POH ET AL.	
	Examiner THEOLOGOS KAFANTARIS	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/16/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 20-25, 28-31, 33, and 36-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Crawford, III et al. (US 2006/0189384 A1), hereinafter Crawford.

With respect to claim 20, Crawford teaches a virtual card gaming system 10 comprising:

- a processing unit 34 (referring to a computer based module with a processor);
- a plurality of player screens 24 connected to the processing unit 34 [0075];
and
- a touch sensing unit 24 [0059] associated with each player screen 32, wherein playing cards 76 displayed on the player screens 24 are adapted for graphical manipulation [0084] in response to continuous touch movements detected through the touch sensing units [0089], the manipulation comprising a three-dimensional representation 82 so as to at least partially reveal the playing cards 76 from a face down representation [0099].

With respect to claim 21, Crawford teaches that the processing unit 34 generates an imaginary elongated member for mapping a portion of the playing cards 82 where the continuous touch movements acted thereon, which member perpendicular to a direction of the continuous touch movements (See Fig. 18, where an imaginary elongated member is used in a perpendicular direction to map a portion of the playing cards to reveal their value).

With respect to claim 22, Crawford teaches that the imaginary elongated member is an imaginary cylinder (See Fig. 18, where the curve of the card shows that the imaginary elongated member is cylindrical).

With respect to claim 23, Crawford teaches that each player screen 24 is divided into a set of functional areas (See Fig. 9, where the screen is divided into functional areas), and the processor 34 processes touches detected through the touch sensor units based on the functional area in which the touch was detected [0082].

With respect to claim 24, Crawford teaches that the set of functional areas comprises a playing cards area (See Fig. 9, displaying a playing cards area).

With respect to claim 25, Crawford teaches that the set of functional areas comprises a chip holding area and a betting area (See Fig. 9, displaying a chip holding and betting area).

With respect to claim 28, Crawford teaches that the system further comprises a dealer screen 26 connected to the processor unit 34 for displaying shuffling of a stack of cards 76 and dealing of cards 76 to the player screens 24 ([0050], describing electronically shuffling the deck of cards).

With respect to claim 29, Crawford teaches that a touch sensor unit 24 associated with the dealer screen 26 facilitates the dealer screen 26 to function as a user interface to the processor unit 34 ([0075], describing the touch sensor user interface areas associated with the dealer screen).

With respect to claim 30, Crawford teaches that the system further comprises a sound unit of providing an audio signal under the control of the processor unit 34, and the processor unit 34 is capable of manipulating the audio signal based on signals from the touch sensor units 24 (See [0088], defining a touch event as a triggering event, and [0108], defining audible sounds played in response to a triggering event).

With respect to claim 31, Crawford teaches that the system further comprises a payment unit, and the processor unit 34 accounts transactions of each player [0078].

With respect to claim 33, Crawford teaches that the system is operable under an automatic mode without a human controller [0048].

With respect to claim 36, the rejection with respect to claim 20 teaches all limitations of this claim and Crawford further teaches a computer readable medium inside a computer based module ([0075], discussing a PC with Microsoft Windows XP, which requires a computer readable medium).

With respect to claim 37, see the rejection with respect to claims 20 and 21.

With respect to claim 38, see the rejection with respect to claim 22.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford, as applied to claims 20-25, 28-31, 33, and 36-38 above, in view of Thomas (US 2002/0173353 A1).

With respect to claim 26, Crawford teaches the device of claim 25. Crawford does not explicitly teach that the processor instructs the removal of a chip from display in the chip holding area and display of the chip in the betting area as a result of a single touch detected in the chip holding area through the touch sensor unit, followed by a touch detected in the betting area. Thomas teaches touching chips on a touch screen monitor and touching a betting region to place a bet [0066]. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Crawford to use a touch screen to place bets as taught by Thomas because it would have further increased the realism of playing poker by simulating a real chip betting scenario.

With respect to claim 27, the above combination/modification teaches all the limitations of this claim because Thomas teaches that the processor instructs the removal of another chip of the same value from display in the chip holding area and display of the chip in the betting area as a result of a subsequent single touch detected in the betting area [0066].

5. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford, as applied to claims 20-25, 28-31, 33, and 36-38 above.

With respect to claim 32, Crawford teaches the device of claim 30 [*sic*]. Crawford does not explicitly teach that the payment unit comprises one or more of a group comprising an electronic funds transfer machine, a notes reader and a secure cash box. Official notice is taken that payment units include electronic funds transfer machines, notes readers, and secure cash boxes, as was well known in the art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Crawford to use electronic funds transfer machines, notes readers, and secure cash boxes because players with cash would have been encouraged to play at the table by easily entering cash and playing immediately.

6. Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford, as applied to claims 20-25, 28-31, 33, and 36-38 above, in view of Applicant's Admitted Prior Art, hereinafter AAPA.

With respect to claim 34, Crawford teaches the device of claim 20. Crawford does not explicitly teach that the system is operable under a semi-automatic mode with a human controller. AAPA discloses that some video game machines automate card play but use real chips (background, 2nd paragraph). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Crawford to use a semi-automatic mode with a human controller as shown in AAPA because the players would have had the convenience of card automation during gameplay while also maintaining the realism of a human dealer to manage their betting.

With respect to claim 35, Crawford teaches the device of claim 20. Crawford does not explicitly teach that the system is manually controllable by a human controller. AAPA discloses that some video game machines require a dealer who is skilled in card

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games, calculation, and distribution of winnings (background, 2nd paragraph). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Crawford to use a manual mode with a human controller as shown in AAPA because, instead of using real cards, the players would have had the convenience of a private touch screen displaying their digital cards while also maintaining the realism of a human dealer to manage the cards and the betting.

Response to Amendment

7. Applicant's arguments, with regards to claims 20-38, filed on June 11th, 2008, have been fully considered, but are not persuasive.

8. On pages 6-7 of Applicant's Response, with respect to claim 20, and concerning the priority date of the prior art, Applicants argue that the Examiner has failed to show a prima facie case of anticipation because the material relied upon by the Examiner was not disclosed in the provisional application.

The Examiner respectfully disagrees with Applicant's argument because the provisional application does disclose the material relied upon by the Examiner. Paragraph [0059] was used to teach a touch screen, which paragraph [0028] of the provisional application teaches. Paragraph [0084] was used to teach graphical manipulation, which paragraph [0040] of the provisional application teaches. Paragraph [0089] was used to teach movements detected through the touch sensing units, which paragraph [0028] of the provisional application teaches. Paragraph [0099] was used to teach at least partially reveal the playing cards from a face down representation, which paragraphs [0032]-[0045] of the provisional application teach. Therefore, the rejection with respect to claim 20 is proper.

9. On page 8 of Applicant's Response, and with respect to dependent claims 21-38, Applicant argues that since claim 20 is allowable, that these claims should also be allowable.

The Examiner respectfully disagrees with Applicant's arguments because, for the reasons stated above, the rejection of claim 20 is proper

10. On pages 8-9 of Applicant's Response, and with respect to claim 32, Applicants argue that official notice is taken improperly because it was the only means of stating a rejection and because the elements of payment units are not commonly known in card gaming systems.

The Examiner respectfully disagrees with Applicant's arguments. Claim 32 was rejected under 35 USC 103 for obviousness. Therefore, the Examiner relied not only on official notice, but instead the Examiner relied upon the combination of Crawford, as applied to claims 20-25, 28-31, 33, and 36-38, and official notice as taken.

Furthermore, a note reader is taught in Bercovitz (US 5,034,616), and note readers have been used in arcades, casinos, Laundromats, ATMS, vending machines, etc. for quite some time. Therefore, because the use of official notice was proper, and because it was widely known in the art, the rejection with respect to claim 32 is proper.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references include:

Sines et al. (US 7,255,642 B2), which teaches an automated system for playing live casino table games;

Groswirt (US 2008/0026826), which teaches an automated poker table;

Takashima (US 4,614,342), which teaches an electronic game machine for gambling games;

Tarantino (US 5,669,817), which teaches a casino card table with video displays;

Iosilevsky (US 7,306,516 B2), which teaches an electronic poker gaming table;

Yoseloff et al. (US 2006/0084506 A1), which teaches a multi-player platform for playing poker;

Pfeiffer et al. (US 2005/0212214 A1), which teaches a table with a computer for playing card games;

Nakamura et al. (US 2005/0164789 A1), which teaches a multi-screen video gaming system with private secondary monitors;

Williams (US 2004/0092301 A1), which teaches a method of electronically playing a casino card game;

Brown (US 2003/0064767 A1), which teaches a computer controlled card game;

Franchi (US 5,770,533), which teaches an open architecture casino operating system and method of placing bets with a touch screen monitor; and

Gatto et al. (US 2005/0245307 A1), which teaches an electronic game with a touch screen and a method of placing bets;

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THEOLOGOS KAFANTARIS whose telephone number is (571) 270-3845. The examiner can normally be reached on Monday-Thursday 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TGK
/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3714